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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written submission by the Office of the Ombudsman of the Samoa*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Office of the Ombudsman of the Samoa**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with A status accreditation from the Global Alliance of National Human Rights Institutions.
** Reproduced in the annex as received, in the language of submission only.

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Annex

Submission by the Office of the Ombudsman of the Samoa

NHRI Samoa Written Submission to the "UN Human Rights Council Independent expert group on the issue of discrimination against women in law and in practice in Samoa (A/HRC/38/46/Add.)"

Concluding observation/ recommendation: *The National Human Rights Institution should develop mechanisms to ensure protection for those who are speaking out against strongly held beliefs that undermine human rights, including in relation to acts of reprisal.*

Response

The Office of the Ombudsman/ NHRI Samoa (**NHRI Samoa**) is grateful to the Human Rights Council (**Council**) for the opportunity to provide a submission in response to the report of the Working Group on discrimination against women on its mission to Samoa (**report**) and more specifically on the recommendation addressed to NHRI Samoa. NHRI Samoa expresses also its appreciation of the work undertaken by the Working Group and of the report on its visit to Samoa. The report is a most useful review on the issue of discrimination against women in Samoa.

In response to the Working Group's recommendation, NHRI Samoa has yet to develop mechanisms to ensure protection for those who are speaking up against strongly held beliefs that undermine human rights. NHRI Samoa has not received any complaints relating to this problem nor has it been notified of any difficulties experienced. NHRI Samoa continues to encourage free expression and exchange of views on aspects of societal practice that undermine human rights; and to be watchful for indications of need for protective mechanisms to facilitate the free flow of productive discourse.

In the meantime, NHRI Samoa carries out awareness raising workshops in schools and village communities to enhance understanding of human rights and of interconnectedness between human rights principles and the requirements of the *Faasamoa.* Given the realities of its resources, NHRI Samoa relies heavily on these activities to promote understanding and enthusiasm for human rights and to highlight risks to their proper enjoyment in everyday life.

Extensive consultations with village communities in the carrying out of a recently completed sixteen-month National Inquiry into Family Violence, provided valuable opportunity to air for public discussion, elements in societal practice that impinge on the equality and rights of women and girls. In this connection, entrenched attitudes and practices flowing from tradition and the fact of a patriarchal society received central attention. The Report of the Inquiry will be completed by end of June 2018. A significant educational and awareness raising component envisaged to flow from the Inquiry exercise will be rolled out once the Inquiry report has been submitted to Parliament. This is further opportunity for continuing examination and discussion of strongly held beliefs that undermine human rights including those to which the Working Group's report alludes with regard to gender.

It is through these awareness raising initiatives, fact finding projects and reports that NHRI Samoa hopes to promote on-going discussion of impediments to the enjoyment of human rights and to change persistent negative perceptions of human rights as harmful and disruptive of indigenous culture and religious beliefs.

NHRI Samoa appreciates the opportunity to comment and wishes the Council well in its work ahead.

Faafetai.

MAIAVA IULAI TOMA

Ombudsman

Office of the Ombudsman/ NHRI Samoa